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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/057,135 | 10/29/2001 | John Joseph Mazzitelli | 100110992-1 | 1932 |

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[REDACTED] EXAMINER

SERRAO, RANODHI N

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER
2141

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|-------------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/057,135 | MAZZITELLI, JOHN JOSEPH |
| | Examiner | Art Unit |
| | Ranodhi Serrao | 2141 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 July 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6,8-16,18-26 and 28-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6,8-16,18-26 and 28-30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 03 July 2006 have been fully considered but they are not persuasive.
2. The applicant argued in substance that there is no motivation to combine LiVecchi and Guedalia et al. to teach the claimed invention. And that LiVecchi teaches away from the claimed invention. The examiner points out that both the applicant's invention and the invention of LiVecchi is directed towards enhancing performance of a computer running a multithreaded server application. Furthermore, LiVecchi discloses creating a pool of threads in col.2, lines 37-46 and dividing a pool of worker threads by dynamic partitioning. Therefore LiVecchi does not teach away from the claimed invention.
3. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine is found within the reference. In conclusion, the cited references teach all of the claimed limitations, and the rejections are reaffirmed. See below.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-6, 8-16, 18-26, and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over LiVecchi (6,427,161) and Guedalia et al. (2003/0088609).
6. As per claims 1, 12, and 22, LiVecchi teaches a multi-threaded server accept method, system, and application (column 10, lines 27-47); comprising: a server process residing on a server and an application software residing on a computer-readable medium operable to: creating a socket accept thread by a control thread of a server process (column 11, line 66-column 12, line 21); receiving a service request from a client by the socket accept thread (column 2, line 62-column 3, line 6); transferring the request to a data structure (column 12, lines 14-22); and retrieving the request, by the control thread, from the data structure (column 12, lines 36-43). But fails to teach transferring the request to a client thread dynamically created by the control thread, to process request data associated with the request. However, Guedalia et al. teaches transferring the request to a client thread dynamically created by the control thread, to process request data associated with the request (see Guedalia et al., ¶ 108-112). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify LiVecchi to transferring the request to a client thread dynamically created by the control thread, to process request data associated with the request in order so that when one request is being processed, all subsequent requests does not have to wait for the first request to finish (see Guedalia et al., ¶ 107).

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7. As per claims 2, 13, and 23, LiVecchi and Guedalia et al. teach the data structure comprises a queue (see LiVecchi, column 11, lines 1-37).
8. As per claims 3, 14, and 24, LiVecchi and Guedalia et al. teach the data structure comprises a FIFO queue (see LiVecchi, column 11, lines 1-37).
9. As per claim 4, LiVecchi and Guedalia et al. teach waiting for service requests by performing an accept () call (see LiVecchi, column 11, lines 1-37).
10. As per claim 5, LiVecchi and Guedalia et al. teach receiving the request comprises receiving a client socket object (see LiVecchi, column 6, lines 13-30).
11. As per claim 6, LiVecchi and Guedalia et al. teach waiting for the service request from the client by the socket accept thread (see LiVecchi, column 3, lines 51-67).
12. As per claim 8, LiVecchi and Guedalia et al. teach receiving a second request by the socket accept thread from the client (see LiVecchi, column 4, lines 10-21); transferring the second request to the data structure (see LiVecchi, column 11, lines 1-37); retrieving the second request by the control thread (see LiVecchi, column 15, lines 15-36); transferring the second request to a second client thread to process second request data; and processing the second request data by the second client thread (see LiVecchi, column 7, line 16-column 8, line 37).
13. As per claim 9, LiVecchi and Guedalia et al. teach creating the second client thread to process the second request data (see LiVecchi, column 11, lines 1-37).
14. As per claim 10, LiVecchi and Guedalia et al. teach socket accept thread and the control thread are executed on a single processor (see LiVecchi, column 1, lines 19-40).

15. As per claim 11, LiVecchi and Guedalia et al. teach the steps of transferring the request to the data structure and retrieving the request from the data structure are serially performed (see LiVecchi, column 12, lines 17-21: wherein pending connections on the queue is being performed serially).

16. As per claim 15, LiVecchi and Guedalia et al. teach the socket accept thread is operable to wait for service requests by performing an accept() call (see LiVecchi, column 11, lines 1-37).

17. As per claim 16, LiVecchi and Guedalia et al. teach the socket accept thread is operable to receive the request by receiving a client socket object from the client (see LiVecchi, column 6, lines 13-30).

18. As per claim 18, LiVecchi and Guedalia et al. teach the server process is further operable to: receive a second request from the client by socket accept thread after transferring the request to the data structure (see LiVecchi, column 4, lines 10-21); transfer the second request to the data structure (see LiVecchi, column 11, lines 1-37); retrieve the second request by the control thread (see LiVecchi, column 15, lines 13-36); transfer the second request to a second client thread to process the second request data; and process the second request data by the second client thread (see LiVecchi, column 7, line 16-column 8, line 37).

19. As per claim 19, LiVecchi and Guedalia et al. teach the server process is further operable to create the second client thread to process the second request data (see LiVecchi, column 11, lines 1-37).

20. As per claim 20, LiVecchi and Guedalia et al. teach the socket accept thread and the control thread are executed on a single processor (see LiVecchi, column 1, lines 19-40).
21. As per claim 21, LiVecchi and Guedalia et al. teach the server process is further operable to serially perform the steps of transferring the request to the data structure and retrieving the request from the data structure (see LiVecchi, column 12, lines 17-21: wherein pending connections on the queue is being performed serially).
22. As per claim 25, LiVecchi and Guedalia et al. teach the application software is further operable to wait for service requests by calling an accept() program (see LiVecchi, column 11, lines 1-37).
23. As per claim 26, LiVecchi and Guedalia et al. teach the application is further operable to receive the request by receiving a client socket object from the client (see LiVecchi, column 6, lines 13-30).
24. As per claim 28, LiVecchi and Guedalia et al. teach the application software is further operable to: receive a second request from the client by the socket accept thread after transferring the request to the data structure (see LiVecchi, column 4, lines 10-21); transfer the second request to the data structure (see LiVecchi, column 11, lines 1-37); retrieve the second request by the control thread (see LiVecchi, column 15, lines 13-36); transfer the second request to a second client thread to process second request data; and process the second request data by the second client thread (see LiVecchi, column 7, line 16-column 8, line 37).

25. As per claim 29, LiVecchi and Guedalia et al. teach the socket accept thread and the control thread are executed on a single processor (see LiVecchi, column 1, lines 19-40).

26. As per claim 30, LiVecchi and Guedalia et al. teach the application software is further operable to serially perform the steps of transferring the request to the data structure and retrieving the request from the data structure (see LiVecchi, column 12, lines 17-21: wherein pending connections on the queue is being performed serially).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER